

JC09 Rec'd PCT/PTO 12 OCT 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jun-Hong Chou, et al.

Serial No. PCT/US04/11211

Filed: April 12, 2004

For: POLYMORPHIC FORM OF MONTELUKAST SODIUM

Art Unit: _____

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

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5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

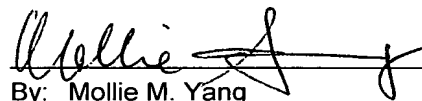
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

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6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
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- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
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- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Mollie M. Yang

Attorney _____ For Applicant(s)

Reg. No. 32,718

MERCK & CO., INC.

Patent Dept., RY60-30

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Date: Oct. 12, 2005

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Application Number	PCT/US04/11211
Filing Date	April 12, 2004
First Named Inventor	Jun-Hong Chou
Group Art Unit	
Examiner Name	

Sheet	1	of	2	Attorney Docket Number	21170P
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[illegible][illegible]Date
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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

(use as many sheets as necessary)

Application Number

Filing Date

First Named Inventor

Group Art Unit

Examiner Name

Attorney Docket Number

April 12, 2004

Jun-Hong Chou

21170P

Sheet

2

of

2

NON PATENT LITERATURE DOCUMENTS

Examiner
Initials*

Cite
No.

Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

✓

ELLIOTT ISRAEL, MD, et al., Effects of Montelukast and Beclomethasone on Airway Function and Asthma Control, J. Allergy Clin. Immunol., Vol. 110, pp 847-854, December (2002).

✓

CHESTER J. KITCHEN, et al., A Semi-Automated 96-Well Protein Precipitation Method for the Determination of Montelukast in Human Plasma Using High Performance Liquid Chromatography/Fluorescence Detection, J. Pharm. Biomed. Anal., Vol. 31, pp 647-654, January (2003).

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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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